

A RESOLUTION RATIFYING AND
APPROVING DECLARATORY RESOLUTION
91-25 OF THE FORT WAYNE
REDEVELOPMENT COMMISSION AND THE
APPROVING RESOLUTION OF THE FORT
WAYNE CITY PLAN COMMISSION.

WHEREAS, the Fort Wayne Redevelopment Commission on May 15, 1991, adopted Declaratory Resolution 91-25, said Resolution approving the Illinois/Getz Road Economic Development Project, which Resolution is attached hereto and made a part hereof and marked Exhibit "A"; and

WHEREAS, the Fort Wayne City Plan Commission adopted a Resolution approving the Declaratory Resolution and Economic Development Plan June 3, 1991, a copy of said Resolution being attached hereto and made a part of hereof as Exhibit "B;" and


WHEREAS, pursuant to I.C. 36-7-14 et seq., the Redevelopment Commission may not proceed with development in an Economic Development area until the approval of the Declaratory Resolution by this Common Council; and

WHEREAS, this Common Council has reviewed said Resolutions and desires to approve same;


NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Declaratory Resolution 91-25 of the Fort Wayne Redevelopment Commission, attached hereto as Exhibit "A" and the Resolution of the Fort Wayne City Plan Commission, attached hereto as Exhibit "B," are hereby approved, ratified and confirmed.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Edmonds seconded by Edmonds, and duly adopted, read the second time title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ of _____, 19____, at _____ o'clock _____ M., E.S.

DATED: 6-25-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds seconded by Edmonds, and duly adopted, placed on its passage. PASSED lost by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|-------------|----------|------|-----------|--------|
| TOTAL VOTES | <u>9</u> | | | |
| BRADBURY | <u>✓</u> | | | |
| BURNS | <u>✓</u> | | | |
| EDMONDS | <u>✓</u> | | | |
| GIAQUINTA | <u>✓</u> | | | |
| HENRY | <u>✓</u> | | | |
| LONG | <u>✓</u> | | | |
| REDD | <u>✓</u> | | | |
| SCHMIDT | <u>✓</u> | | | |
| TALARICO | <u>✓</u> | | | |

DATED: 7-9-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. R-31-91 on the 9th day of July, 1991,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of July, 1991 at the hour of 4:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of July, 1991, at the hour of 6:15 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RESOLUTION 91-25

DECLARATORY RESOLUTION
ILLINOIS/GETZ ROAD ECONOMIC DEVELOPMENT AREA

WHEREAS, the Fort Wayne Redevelopment Commission has made investigations, studies, and surveys of areas that would attract a major private development which would promote significant job opportunities within the City of Fort Wayne, Indiana, and the causes which would prevent such a development from occurring in such an area; and

WHEREAS, such investigations, studies, and surveys have been made in cooperation with the various departments and bodies of said City and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values, and as a result of such investigations, studies, and surveys, the Commission has found that the area described herein will attract a major private development and provide significant job opportunities for the citizens of Fort Wayne. Specifically, the following described area in the City of Fort Wayne, Indiana, is found and declared to be lacking in adequate public improvements to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operations of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981) of the General Assembly of the State of Indiana, as amended and supplemented and which area is bounded and described in Exhibit A, attached hereto and incorporated by reference herein; and that the public health and welfare would be benefitted by the development of such area under the provisions of said Act; and

WHEREAS, the Commission has heretofore caused to be prepared maps and plats showing the boundaries of the herein described Economic Development Area, the location of the various parcels of property, streets, alleys, and other features affecting the development of such area and the portions of the area which are to be devoted to streets, alleys, sewerage, playground and other public purposes; and

WHEREAS, there was presented to this meeting of the Governing Body of the City of Fort Wayne, Department of Redevelopment, for its consideration and approval, a copy of the Economic Development Plan for the area comprising the major private development consisting of 11 pages and 3 exhibits; and

WHEREAS, this Commission has, at a meeting open to the public, heard evidence and reviewed the maps and plats presented at the meeting and has considered same.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Redevelopment Commission that the Economic Development Plan for the Illinois/Getz Road Economic Development Area, dated May 15, 1991, is hereby approved.

BE IT FURTHER RESOLVED that in all proceedings relating to the development of the herein described area the same shall be referred to as the Illinois/Getz Road Economic Development Area.

BE IT FURTHER RESOLVED that the Commission now declares the herein described area lacking in adequate public improvements to facilitate a major private development and a detriment to the social and economic interests of the City of Fort Wayne and its inhabitants and that the development of such area shown on the above referenced maps and plats under the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981) of the General Assembly of the State of Indiana, as amended and supplemented, will be of public utility and benefit.

BE IT FURTHER RESOLVED that the Commission now makes the following findings:

- a. The Plan for the Economic Development Area will promote significant opportunities for the gainful employment of the citizens of Fort Wayne, Indiana by attracting a major new business enterprise to the City.
- b. The Plan for the Economic Development Area cannot be achieved without the designation of the area as an Economic Development Area because of multiple ownership of the various parcels of land located within the area, the lack of local public improvements including improvements to Getz Road, and the lack of development of major portions of the area as a result of the multiple ownership of the parcels which has reduced the value of the land below that of parcels located adjacent to the Economic Development Area.
- c. The public health and welfare will be benefited by accomplishment of the Plan for the Economic Development Area.
- d. The accomplishment of the Plan for the Economic Development Area will be a public utility and benefit to the City of Fort Wayne in that the accomplishment of the Plan will result in the attraction of many new jobs, will increase the property tax base, will result in an improvement of streets and storm sewers in the area.
- e. The Plan for the Economic Development Area conforms to other development and redevelopment plans for the City of Fort Wayne.

BE IT FURTHER RESOLVED pursuant to Section 36-7-14-39 of the Redevelopment of Blighted Areas Act of 1981, as amended and supplemented, that:

- a. As used in this Resolution for the purposes of distribution and allocation of real property taxes, "allocation area" means all of the area described in Exhibit A to this Declaratory Resolution.
- b. Any real property taxes hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property in the allocation area described in this Resolution shall be allocated and distributed as follows:

1. Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of:
 - i. the assessed value of such property for the assessment date with respect to which the allocation and distribution is made, or
 - ii. the net assessed value of all such property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this Resolution; shall be allocated to and when collected paid into the funds of the respective taxing units.
2. Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to:
 - i. pay the principal of and any interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area;
 - ii. establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area;
 - iii. pay the principal and interest of bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under I.C. 36-7-14-27;
 - iv. pay the principal of and interest on bonds issued by the City of Fort Wayne to pay for local public improvements and are serving the allocation area;
 - v. pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area;
 - vi. make payments on leases payable from allocated tax proceeds in that allocation area under I.C. 36-7-14-25.2;
 - vii. reimburse the City of Fort Wayne for expenditures made by it for local public improvements [which include buildings, parking facilities, and other items described in I.C. 36-7-14-25.1(a)] and are serving the allocation area;
 - viii. reimburse the unit for rentals paid by it for building or parking facility and are

serving the allocation area under any lease entered into under I.C. 36-1-10;

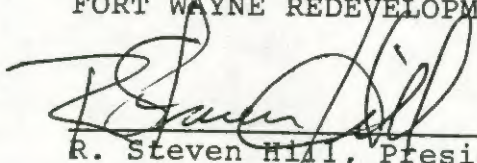
- ix. pay all or a portion of a property tax replacement credit to taxpayers in the allocation area as determined by the Commission by separate resolution; or
 - x. pay expenses incurred by the Redevelopment Commission for local public improvements that are in the allocation area or are serving the allocation area [which include buildings, parking facilities, and other items described in I.C. 36-7-14-25.1(a)].
3. When the monies in the allocation fund are sufficient to pay when due all principal and interest on bonds described herein, and is not needed for the other purposes described herein, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in subdivision (1) of this section.

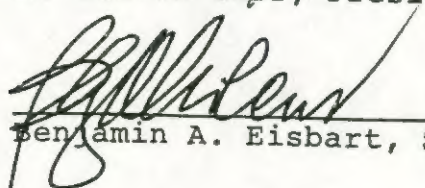
BE IT FURTHER RESOLVED that a copy of this Resolution, together with said Economic Development Plan and supporting data be submitted to the City Plan Commission of Fort Wayne for examination by that body and its determination as to whether this Resolution and said Economic Development Plan conform to the master plan of development for said City and for its written order approving or disapproving this Resolution and said Economic Development Plan.

BE IT FURTHER RESOLVED that if an approving order is issued by said City Plan Commission, that same shall be transmitted to the Common Council of the City of Fort Wayne for its approval.

BE IT FURTHER RESOLVED that upon receipt of the written order of approval of said City Plan Commission and the approval of the Common Council of the City of Fort Wayne a notice shall be published in accordance with the requirements of the Indiana Code fixing a date for the receiving and hearing of remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

FORT WAYNE REDEVELOPMENT COMMISSION


R. Steven Hill, President


Benjamin A. Eisbart, Secretary

ADOPTED: May 15, 1991

EXHIBIT A

Legal Description Illinois/Getz Road Economic Development Area

A parcel of land located in Section 7, Township 30 North, Range 12 East, Allen County, Indiana and more particularly described as follows, to wit:

COMMENCING at the Southwest corner of the Northeast One-quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana; thence North 0 degrees 19 minutes 58 seconds West (assumed bearing) along the West line of said Northeast One-quarter a distance of 1158.10 feet (platted) to the Southwest corner of Lot #13 in Pavey's Subdivision to the City of Fort Wayne, Indiana, as recorded in Plat Record 14, page 124; thence Easterly along the South line of said lot a distance of 40.0 feet to the point of BEGINNING.

BEGINNING at the above described point; thence North 0 degrees 19 minutes 58 seconds West (assumed bearing basis for description) along the new 40 foot right-of-way line of Getz Road, said line also being 15.0 feet measured perpendicular to and running parallel with the West line of said Pavey's Subdivision, a distance of 1093.21 feet measured (1092.72 feet plat); thence North 89 degrees 47 minutes 40 seconds East a distance of 116.0 feet to a point located on the West line of Lot #7 in said subdivision and 200.0 feet North of the Southwest corner of said lot; thence North 0 degrees 19 minutes 58 seconds West along said West line a distance of 366.92 feet to the South right-of-way line of Illinois Road; said point located 50 feet South of the North line of said lot; thence North 89 degrees 52 minutes 32 seconds East along a line 50 feet South measured perpendicular and parallel with said North line of Lots #7 through 3 in said Subdivision along said right-of-way line a distance of 680.0 feet to a point on the East line of said Lot #3; thence South 0 degrees 19 minutes 58 seconds East along said East line a distance of 465.96 feet to a point, said point located 100.0 feet North of the Southeast corner of said Lot #3; thence North 89 degrees 47 minutes 40 seconds East and parallel to the South line of Lot #2 in said subdivision a distance of 136.0 feet to a point on the East line of said lot; thence South 0 degrees 19 minutes 58 seconds East along said East line a distance of 100.0 feet to the Southeast corner of said Lot #2, also being the Southwest corner of Lot #1 in said subdivision; thence North 89 degrees 47 minutes 40 seconds East along the South line of said Lot #1 also being the North line of Lot #9 a distance of 148.69 feet to the Southeast corner of Lot #1 also being the Northeast corner of Lot #9; thence South 0 degrees 00 minutes 12 seconds West along the East line of Lots #9 and 10 a distance of 233.78 feet; thence North 89 degrees 52 minutes 30 seconds East and parallel to the North line of said Northeast One-quarter a distance of 582.27 feet; thence South 0 degrees 00 minutes 27 seconds West a distance of 226.6 feet; thence North 89 degrees 52 minutes 30 seconds East and parallel to said North line a distance of 504.57 feet to a point on the West line of Westmoor Extended Addition to the City of Fort Wayne as recorded in Plat Book 22, pages 156-158 in the Office of the Recorder of Allen County, Indiana; thence South 0 degrees 00 minutes 45 seconds West along said West line a distance of 449.6 feet; thence North 87 degrees 59 minutes 29 seconds West along the North line and its extension of Breconshire, Phase Four, as recorded in Cabinet B, page 41, in the Office of the Recorder of Allen County, Indiana, a distance of 757.20 feet to the Northwest corner of Lot #74 in said addition; thence South 0 degrees 00 minutes 12 seconds West along the West line of said lot a distance of 40.5 feet; thence North 88 degrees 55 minutes 32 seconds West a distance of 330.0 feet to the Southeast corner of Lot #13 in said Pavey's Subdivision; thence North 89 degrees 01 minutes 29 seconds West along the South line of said Lot #13 a distance of 1075.5 feet platted (1075.6 feet measured) to the point of BEGINNING, containing 46.135 acres of land, more or less.

also,

Also, all of Lot #8 of said Pavey's Subdivision not previously described;

Also, all of Getz Road and the right-of-way associated therewith from its intersection with Illinois Rd. South to its intersection with W. Jefferson Boulevard;

Also, all of Illinois Road and the right-of-way associated therewith from the West right-of-way line of Getz Road East 760 feet, said Eastern boundary also being a line which is an extension of the Eastern line of Lot #3 of said Pavey's Subdivision.

RESOLUTION OF THE
FORT WAYNE CITY PLAN COMMISSION

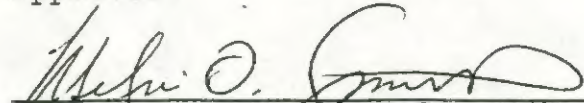
The Plan Commission of the City of Fort Wayne in its Business Meeting of June 3, 1991, having before it a copy of the Fort Wayne Redevelopment Commission's Illinois/Getz Road Economic Development Plan, adopted by the Redevelopment Commission on May 15, 1991, together with the necessary supporting data, all of which having been duly considered, the Fort Wayne City Plan Commission, upon a motion by Robert Hutner, and seconded by Wil Smith, and by a vote of seven, adopted the following resolution:

WHEREAS, at the Fort Wayne City Plan Commission Business Meeting on June 3, 1991, the Fort Wayne Redevelopment Commission submitted to the Plan Commission the Illinois/Getz Road Economic Development Plan together with supporting data, all as required by the Redevelopment of Blighted Areas Act (36-7-14 of the Acts of 1980 of the General Assembly of the State of Indiana, as Amended and Supplemented) and said Economic Development Plan having been duly considered by the Fort Wayne City Plan Commission is found to be in conformance with the Master Plan of Development for the City of Fort Wayne;

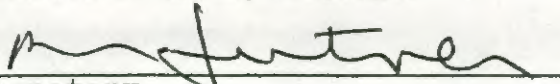
NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that said Illinois/Getz Road Economic Development Plan conforms to the Master Plan of Development for the City of Fort Wayne, and said Plan and the accompanying Declaratory Resolution are accordingly hereby approved.

BE IT FURTHER RESOLVED that the President of this Commission is hereby authorized to deliver to the Fort Wayne Redevelopment Commission and to the Common Council of the City of Fort Wayne a certified copy of this resolution which shall constitute the approving order of the Fort Wayne City Plan Commission, as required by law, approving said Illinois/Getz Road Economic Development Plan.

Approved:



Port Wayne City Plan Commission
Melvin O. Smith, President



Secretary
Robert Hutner

MEMORANDUM

TO: Members of the Fort Wayne Common Council
FROM: Ron Fletcher, Executive Director
DATE: June 25, 1991
SUBJECT: Illinois/Getz Road Economic Development Area

In accordance with Indiana Code 36-7-14-16, the following attached documents are provided for your review and approval:

Resolution 91-25 of the Fort Wayne Redevelopment Commission

Illinois/Getz Road Economic Development Plan

Resolution of the Fort Wayne Plan Commission

Proposed Resolution of the Fort Wayne Common Council

On May 15, 1991, the Fort Wayne Redevelopment Commission adopted Declaratory Resolution 91-25 delineating the Illinois/Getz Road Economic Development Area and approving the Economic Development Area Plan. In accordance with Indiana Law, the Redevelopment Commission then submitted said Resolution and Plan to the Fort Wayne Plan Commission. The Plan Commission determined that the Resolution and Plan conform to the plan of development for the City, and on June 3, 1991, issued its approving order.

The Common Council is respectfully requested to consider the attached Resolutions and Plan, and issue its written approval of these documents, allowing the project to go forward. Upon receipt of your approval, the Redevelopment Commission will publish notice of the adoption of Declaratory Resolution 91-25, hold a public hearing, and, after considering the evidence presented, take final action determining the public utility and benefit of the proposed project, and confirming the Resolution.

The Common Council's approval, and subsequent approval by the Redevelopment Commission establishing the Illinois/Getz Road Economic Development and Tax Allocation Area, will allow the Redevelopment Commission to go forward and put in place the approximately \$1.6 million in Tax Increment public finance necessary for the widening of Getz Road and improvements to the Lawrence Drain.

DIGEST SHEET

TITLE OF ORDINANCE Resolution Ratifying and Approving Declaratory Resolution
91-25 of the Fort Wayne Redevelopment Commission

DEPARTMENT REQUESTING ORDINANCE Redevelopment

SYNOPSIS OF ORDINANCE This Resolution ratifies and approves the
Resolutions of the Fort Wayne Redevelopment Commission and Fort Wayne
City Plan Commission. It is the final step in the regulatory process
of approval.

R-91-06-46

EFFECT OF PASSAGE Allows Illinois/Getz Road Economic Development Project
to go forward. Allows the City to put together necessary financing to
improve all infrastructure along Getz Road.

EFFECT OF NON-PASSAGE Does not allow project to go forward

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Redevelopment
Commission Bond Issue

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-91-06-46

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GIAQUINTA, CHAIRMAN
DONALD J. SCHMIDT, VICE CHAIRMAN
BRADBURY, REDD, BURNS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) RATIFYING AND APPROVING
DECLARATORY RESOLUTION 91-25 OF THE FORT WAYNE REDEVELOPMENT
COMMISSION AND THE APPROVING RESOLUTION OF THE FORT WAYNE CITY
PLAN COMMISSION

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. Giaquinta

Donald J. Schmidt

Bradbury

Reed

Burns

DATED: 7-9-91.

Sandra E. Kennedy
City Clerk